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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,628	02/05/2001	Roland Mayer	P20358	8314

7055 7590 11/18/2002  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER
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HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

10

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/775,628

Examiner

Mark Halpern

Applicant(s)

MAYER ET AL.

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1731

mk-10

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 32-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 10/16/2002, Paper No. 9. Applicants cancel claims 21-31, and offer new claims 32-33, for consideration.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 1-20, 32-33, are rejected under 35 U.S.C. 102(b) as being anticipated by Vallius (5,690,791).

Claims 1-2, 4-10, 12-20, 32-33: Vallius discloses an apparatus that includes a transfer belt 17A used for transferring web W from a press section to a dryer section. Traveling on fabric 53 the web W enters an extended nip NP, formed between rolls 20 and 21, and then the web is separated from pick-up fabric 53 and is transferred onto smooth face 21' of press roll 21 to an equalizing nip zone NT (nip NT is formed between press rolls 21 and 31). The web is then transferred onto belt loop 17A, on which run it is possible to compensate for elongation of the web W taking place in the equalizing nip NT in the machine direction and to keep the web W approximately tight. The transfer belt 17A is guided by guide rolls 56 and press roll 31, all located inside the transfer belt loop 17A. The web is then transferred over guide roll 56 to the transfer zone TS where

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the web W is transferred onto the smooth face 40' of the drying cylinder 40 (col. 6, lines 30-40, col. 7, lines 20-51, and Figure 4). The transfer belt 17A of Vallius is an elastic belt of smooth surface with some degree of permeability (col. 8, lines 1-8). The guide rolls 56 are suction rolls (col. 7, lines 20-25). The dryer section roll 41 is a suction cylinder (col. 7, lines 51-67).

Claim 3: the web is a paper web (Abstract).

Claim 11: there is no open draw as shown in Figure 4.

***Response to Amendment***

3) Applicant's arguments filed 10/16/2002, have been fully considered but they are not persuasive.

In regard to independent claim 1, Applicants allege that the cited prior art, Vallius, does not disclose an elastic transfer belt arranged to transfer the fibrous material web between an acceptance region and a delivery region, in which said transfer belt is driven or slowed to be stretched more during delivery of the fibrous web to said accepting belt than during acceptance of the fibrous material web from said delivery element. Applicants allege that the stretching of the belt is a structural aspect.

The argument is not well taken. The cited prior art, Vallius, discloses an elastic belt 17A as recited in above item 2 (Vallius, col. 8, lines 1-8). The operation of stretching of the belt and the speed of operation <sup>of</sup> <sub>n</sub> the belt are not structural aspects. The operation recited by the Applicants must result in a structural difference between the

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claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

Applicants allege that Vallius does not disclose guide rolls to achieve the recited stretching.

The examiner responds, that as per item 2, above, the transfer belt 17A is guided by guide rolls 56 and press roll 31, all located inside the transfer belt loop 17A. The web is transferred over guide roll 56 to the transfer zone TS where the web W is transferred onto the smooth face 40' of the drying cylinder 40 (Vallius, col. 6, lines 30-40, col. 7, lines 20-51, and Figure 4).

### ***Conclusion***

4) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone no. is 703-308-0651.

MH

Mark Halpern

Patent Examiner

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STEVEN P. GRIFFIN

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

November 13, 2002